

## PROGRESS REPORT #9

### Comm 10 CODE REVISION COMMITTEE

DATE: Thursday, March 21, 2002

TIME: 9:00 – 2:30

PLACE: Conference Room 3B, Thompson Commerce Center, Madison, WI

#### COMMITTEE MEMBER ATTENDANCE:

Bob Bartlett	Absent
Dave Ciepluch	Present
Tim Clay	Present
Bob Elvert	Present
Paul Knowler	Present
Dick Marx	Present
Dave Reinke	Excused
Tom Reinsch	Present
Erin Roth	Present
Fred Schultz	Present
Dale Safer	Absent
Larry Sands	Present

#### STAFF ATTENDANCE:

Sheldon Schall, ERS Div. (608)266-0956  
Bob Bertram, ERS Div. (715)345-5269  
Mark Bennett, ERS Div. (608)266-8981 (Stevens Point)  
Bill Sullivan, Safety & Buildings Div. (608)266-9643  
Duane Hubeler, Administrative Services Div. (608)266-1390  
Eric Hands, ERS Div. (608)261-7719  
Berni Mattsson, ERS Div. (608)266-8076  
Greg Bareta, ERS Div. (608)267-9795

#### VISITORS:

Sarah Decorah	PMAW
Troy Batzel, Jolene Plautz, Eric Peterson,	QuickTrip
Tim Sievert	Advanced Corrosion Control
Don Gallo	
Bill Shane,	ERS Div. (Baraboo)

### **ADMINISTRATIVE ISSUES:**

The meeting was called to order at 9:05 by Sheldon Schall. Introductions were made and the progress report from 1/23/02 was reviewed and approved. Duane Hubeler announced that a legislative hearing on the phase I Comm 10 rules had been called by the Senate Committee on Environmental Resources for March 28. This hearing will delay the effective date of the rules for at least another month until July 1, 2002 at the earliest.

### **OVERVIEW OF 2002 NATIONAL EPA CONFERENCE:**

As the EPA State Program Liaison, Sheldon Schall attended the National EPA UST/LUST Conference in March. Sheldon discussed some of the proposals presented at this meeting that may have a future impact on Comm 10. Senate Bill 1850, as currently proposed, will do the following:

- Mandate on-site UST inspections by states at least every 2 years
- Prohibit fuel delivery into non-compliant tanks
- Provide state regulators with red-tag authority
- Broaden the ways LUST money can be used by states
- Provide grant money to train operators
- Provide grant money to assure government-owned UST's are in compliance
- Require states to publish information on tank compliance

### **UPDATE ON WATERCRAFT RULE IN RESPONSE TO DNR COMMENTS:**

Duane Hubeler led a brief discussion of WDNR's response to our query on various types of fueling over or near water. Commerce has proposed to allow fuel tanks and pumps on piers, only if the pier is of the solid-fill type. DNR suggests we put a note in ch. Comm 10 reminding people that structures in the water, other than seasonal piers, require a permit from DNR. If a fueling barge drops stabilizing legs onto a lakebed, this could be considered a structure, similar to a solid-fill pier, that would require a DNR permit. Commerce has specific statutory authority to prevent discharges of liquids with a flash point below 200°F into the waters of the state. DNR has general statutory authority to prevent discharges of hazardous substances. More information may be included in notes clarifying authority. Suggestions for more uniform definitions and terminology are also included.

Suggestions and questions specific to the issue of barge fueling included preference for requiring a material approval, the need for specific operator training, questions on financial responsibility and the possibility of needing Stage II Vapor Recovery if used in non-attainment areas. Don Gallo suggested that the committee look at financial responsibility requirements for tanks located "over water." Don will work with Commerce staff to draft a code revision proposal to bring to the committee for consideration.

### **IMPRESSED CURRENT SYSTEMS:**

Tim Sievert of Advance Corrosion Control presented ideas on corrosion control maintenance. Facility managers need to take volt and amp readings at least every 60 days. If readings vary by more than 10%, an expert should be called in. Cable breaks are a common problem that can cause a 10% discrepancy. Unlike galvanic corrosion protection, a broken circuit in an impressed current system caused by a cable break can eat up all unprotected metal in the vicinity in a very short time, so continuity in monitoring is essential. If an IP system has not been operating for the entire 3-year inspection cycle, a full tank assessment and full corrosion survey may be needed. Systems that have been out of operation for a shorter time may still need some sort of assessment prior to the tank being allowed back in service. Commerce has proposed requiring a credential for cathodic protection test personnel.

Tom Reinsch stated that standardized forms would be a good idea for corrosion protection monitoring and that more frequent inspections may be justified. Tim Clay wanted more justification for more frequent inspections.

#### **FINANCIAL RESPONSIBILITY:**

Sheldon briefly reviewed some proposed changes to the financial responsibility requirements in ch. Comm 10. There was some question on a proposal to require Financial Responsibility for tanks less than 110 gallons. Don Gallo stated that this is not required under federal rules. There may be a de minimus exception that needs clarification.

#### **SUBCOMMITTEE ISSUES:**

FARM TANKS Duane led a discussion of the proposal for tanks that are located on farms and other remote sites. The proposal set a 90-day threshold for determining the difference between a permanent vs. a temporary tank. All tank installations would require an inspection, but only permanent tanks would require installation by a certified installer. Some committee members raised objections to the workability of some of the proposals. Another subcommittee meeting is scheduled for April 10. The results will be reported back to the full Comm 10 Committee.

AIRCRAFT FUELING Fred Schultz stated that this subcommittee has recommended the adoption of chapter 11 of the IFC with some modifications as the basis for regulating aircraft fueling.

**NEXT MEETING:** The next meeting of the full Comm 10 Committee is scheduled for **Tuesday, May 21, 2002**. Please mark your calendars.